

To: False Killer Whale Take Reduction Team Members
From: Scott McCreary and Bennett Brooks, CONCUR, Inc.
Date: July 8, 2011
Re: Updated Proposed Ground Rules

Attached is a slightly updated version of the Ground Rules reviewed and revised Team members at the Team's first meeting in early 2010.

Based on interviews conducted as part of the Lessons Learned Report undertaken by CONCUR, we have proposed an addition to the Ground Rules that calls on Team members and alternates to promptly inform NMFS and the Team if their affiliation changes. (See the new language at the bottom of the first page.) No other language in the Ground Rules has been added, deleted or revised.

Please review this material prior to the Team meeting and come prepared to confirm the updated Ground Rules or propose any additional specific revisions.

False Killer Whale Take Reduction Team

FINAL GROUND RULES

(For review, revision and confirmation at July 2011 FKWTRT meeting)

The following ground rules have been informed by CONCUR's professional experience, discussions with NOAA Fisheries, directives in the Marine Mammal Protection Act, and confidential interviews conducted with the primary Take Reduction Team (TRT) members. These ground rules are intended to foster and reinforce constructive interaction and deliberation among TRT members. They emphasize clear communication, respect for divergent views, creative thinking, collaborative problem solving, trust building, working towards consensus, and the pursuit of mutual gains. The TRT may decide to reconsider and revise these ground rules if they appear not to be serving the TRT process.

1. Membership: TRT members have been invited to serve by NOAA. TRT members were selected based on professional expertise or experience in the areas of conservation or biology of marine mammal species or fishing practices which result in the incidental mortality and serious injuries of such species. TRT members were also selected for their diversity of interests, geographic location, communication network, capability to work with diverse viewpoints, and commitment to developing a consensus-based Take Reduction Plan in the prescribed timeframe. Membership reflects a balance by interest, region, and sector.

TRT members have also been recruited based upon their ability to ably represent the views of an important constituency. TRT members should work to keep their constituencies informed of the TRT's efforts and to reporting relevant feedback to the TRT. In reporting back, TRT members will strive to integrate the views of their constituency rather than resorting to a "lowest common denominator" portrayal.

2. Alternates: Primary TRT members will make every effort to attend all TRT meetings. For those members unable to attend a meeting due to scheduling conflicts, a designated alternate is invited to attend and speak on behalf of the member. Each team member may have one alternate. Names of candidate alternates are to be submitted at least one month in advance of the next meeting for approval by NMFS. Alternates should represent the same organization or constituency as the primary representative, be knowledgeable and able spokespersons, and be committed to work collaboratively towards a consensus agreement. (Note: If an alternate has already been formally appointed by NMFS, there is no need to reconfirm approval.)

A Team member who needs to send an alternate is requested to notify NMFS at least two weeks in advance that the approved alternate will attend for them. Primary TRT members will work with their alternates to ensure that they are up to speed on TRT deliberations. This will enable alternates to step in effectively and keep the project from "backsliding." If neither the member nor alternate can participate, another individual is welcome to attend the meeting as an observer.

If a Team member or alternate's affiliation changes, he/she should inform NMFS promptly so the Agency can determine whether a change in representation is needed. This information should also be communicated as soon as possible to the full Team.

3. Collaboration. Below are a series of ground rules intended to foster collaborative, effective and respectful Team deliberations.
 - **Active, focused participation.** Every participant is responsible for communicating his/her perspectives. Everyone is encouraged to participate; no one dominates. Only one person will speak at a time and only after being recognized by the facilitation team (CONCUR). Everyone will help stay on track.
 - **Respectful interaction.** Participants will respect each other's personal integrity, values and legitimacy of interests. Participants will assist each other in creating an effective atmosphere by: using microphones; turning off cell phones; refraining from sidebar conversations; and using computers for TRT-related work only.
 - **Integration and creative thinking.** Participants will strive to be open-minded and integrate members' ideas and interests. Participants will attempt to reframe contentious issues and offer creative solutions in a timely fashion to enable constructive dialogue.
 - **Adherence to ground rules.** As a set of mutual obligations, TRT members will commit to adhere to these ground rules once they are adopted. TRT members are encouraged to help uphold and enforce these ground rules.
 - **Negotiating in good faith.** In their formal capacity as TRT members, appointees are asked to negotiate in good faith at and between TRT meetings. Nothing in these Ground Rules limits Team members' abilities to take action in other fora. However, Team members are asked to be mindful of how their actions elsewhere will likely impact the collaborative process and the Team's collective efforts to reach consensus.
4. Meeting Materials: NMFS staff and CONCUR commit to provide, to the extent practicable, all primary meeting materials at least two weeks ahead of time in order to give TRT members ample time to review the relevant information. All TRT members will have equal access to meeting materials. Members are expected to review meeting materials beforehand to foster informed deliberations. Members also are asked to bring their binders to each TRT meeting.
5. Information Sharing: TRT members recognize that the False Killer Whale TRT project depends on using the best readily available information. TRT members commit to identify information needs in a timely fashion and to contribute in framing needs for additional research and analysis. TRT members commit to share, and not withhold, relevant information. Likewise, NMFS will strive to share information to the greatest extent possible consistent with existing legal and regulatory constraints. Preliminary information will be treated as such. Analyses will be presented in a manner that distinguishes interpretation and inference from underlying data.
6. Meeting Participation. Meeting deliberations are focused among TRT members only. Members of the public are invited to participate at set times during the meetings. As appropriate, NMFS may invite comment from designated liaisons to the non-English-speaking elements of the longline fleet in order to foster effective outreach efforts. Also, as needed, the convenors or

facilitators may ask NMFS staff and other experts in attendance to fold in relevant expertise and information.

7. Multi-interest Work Teams and Interest Group Caucusing: NOAA Fisheries staff and CONCUR expect that cross-interest group work teams may be an important way to develop constructive, integrative work products during and between TRT meetings. The aim of such work teams is to encourage multi-interest options and work products rather than work products put forward by a single bloc or interest group. It is anticipated that between-meetings work teams will meet by teleconference. As appropriate, opportunities will be provided during TRT meetings for caucusing within and across interest groups.
8. Decision-Making: The False Killer Whale Take Reduction Team (TRT) will seek to develop consensus recommendations where possible. In this context, “consensus” means that the recommendation in question is supported by all TRT members present at the meeting; this does not necessarily mean that each TRT member likes everything about the recommendation, but that each member is willing to accept and support it. Where consensus cannot be reached in the time available, the range of possibilities considered by the TRT will be presented, including the views of both the majority and minority.

In order to assist the Team in building broader consensus and help the Agency understand and characterize the extent of common ground, the facilitators may opt to use straw votes during the process to gauge the extent to which Team members support various items under discussion. Meeting summaries will not attribute votes to specific Team members.

9. Meeting Summaries: The facilitation team will prepare and distribute to Team members Key Outcomes Memoranda (KOM) following each meeting. The KOM will endeavor to summarize key decisions made, issues discussed, and the next steps identified. It will not serve as a meeting transcript nor will it typically attribute comments or suggestions to specific individuals. As well, to the extent the Team relies on straw votes, the KOM will not record each Team members’ vote. In general, the KOM will characterize the extent of consensus reached on important management options. In such instances, the summary will make clear the degree of consensus across various groups and not just present a straight numeric tally.

In the event TRT members believe the KOM significantly misrepresents particular decisions, issues, or next steps, they are requested to notify the project facilitators or convenors in a timely fashion. The project facilitators or convenors will review the matter and use their professional judgment to determine if revisions are needed. If so, they will prepare a revised KOM and distribute it in a timely fashion to all TRT members.

10. TRT Communication Protocols: TRT members wishing to send email correspondence or documents to the full TRT are asked to send these through the facilitation team or convenor. To the extent TRT members email documents to their constituents to elicit feedback, Team members are asked to make clear that the materials are being provided to support Team deliberations and not targeted for general distribution.

11. Media Contact: The Team recognizes that members may be contacted by press during the course of the Team's deliberations. To the extent Team members are contacted, we agree to the following:

- TRT members agree not to attribute particular comments to particular individuals, nor to characterize others' views;
- TRT members agree not to portray ideas as consensus before the TRT has explicitly agreed on them;
- TRT members inform PIRO when False Killer Whale Team and/or issues appear to be the primary focus of the media contact

12. Project Website: NMFS Office of Protected Resources (OPR) will prepare a password-protected website to support Team deliberations. This website is intended to facilitate the sharing of draft or interim work products by the TRT. Similar to the discussion under the Communication Protocols ground rule, to the extent TRT members wish to provide others affiliated with their organization access to the password-protected website in order to foster broader input, Team members are asked to make clear that the materials on the website are being provided to support Team deliberations and not targeted for general distribution. Additionally, NMFS OPR and PIRO have established public web pages that will serve as repositories of and links to agendas, KOM and other meeting materials.

13. Role of Facilitation Team. The facilitation team is non-partisan and will not act as an advocate for particular outcomes. CONCUR will strive to enforce the ground rules in a consistent, fair and firm manner and ensure that the meeting stays on track. CONCUR will keep a list of those waiting to speak, but may opt to take speakers out of turn to foster focused discussions on a particular topic. The facilitation team may, at its discretion, call for breaks to refine meeting strategies to foster effective TRT deliberations. The facilitators may also recommend the use of within- and across-interests, small-group breakout sessions.

In addition to drafting the Key Outcomes memoranda, the facilitation team will serve as the primary secretariat in assisting parties to develop the draft Take Reduction Plan. The Take Reduction Plan will be subject to detailed review and approval by all TRT members.

14. Public Comment: Members of the public may provide comment at designated times on the meeting agenda.